

118TH CONGRESS
1ST SESSION

S. _____

To amend the Food Security Act of 1985 to modify the conservation reserve enhancement program.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET (for himself and Mr. MARSHALL) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Food Security Act of 1985 to modify the conservation reserve enhancement program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conservation Reserve
5 Enhancement Program Improvement Act of 2023”.

6 **SEC. 2. CONSERVATION RESERVE ENHANCEMENT PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—Section 1231A of the Food Secu-
9 rity Act of 1985 (16 U.S.C. 3831a) is amended—

1 (1) in subsection (a)(4), in the matter pre-
2 ceding subparagraph (A), by inserting “(other than
3 an agreement described in subsection (e))” after
4 “this subchapter”;

5 (2) in subsection (b)(2)(A)(vi), by inserting “or
6 other appropriate practices, such as dryland agricul-
7 tural uses and grazing,” after “conservation prac-
8 tices”;

9 (3) in subsection (c), by adding at the end the
10 following:

11 “(5) VARIABLE ALLOCATION.—An owner or op-
12 erator may elect to determine the amounts of annual
13 payments under this section allocated to each year
14 of the agreement under subsection (b)(1).

15 “(6) DROUGHT AND WATER CONSERVATION
16 AGREEMENTS.—

17 “(A) RETIREMENT OF WATER RIGHTS.—In
18 the case of an agreement described in sub-
19 section (e) that includes a permanent retire-
20 ment of water rights, the payment rates for an-
21 nual payments shall be equal to the irrigated
22 acre payment rates determined by the Sec-
23 retary.

24 “(B) DRYLAND AGRICULTURAL USES.—

1 “(i) IN GENERAL.—In the case of an
2 agreement described in subsection (e) that
3 permits dryland agricultural uses pursuant
4 to paragraph (2) of that subsection, the
5 payment rates for annual payments shall
6 be equal to the difference between—

7 “(I) the irrigated acre payment
8 rates determined by the Secretary;
9 and

10 “(II) the dryland acre payment
11 rates determined by the Secretary.

12 “(ii) RETROACTIVE APPLICATION.—In
13 the case of an agreement covered by clause
14 (i) entered into before the date of enact-
15 ment of this paragraph under which the
16 payment rate is lower than the payment
17 rate that would be calculated for the agree-
18 ment under that clause, the Secretary shall
19 modify the agreement by calculating the
20 payment rate in accordance with that
21 clause.”; and

22 (4) in subsection (e)—

23 (A) in the matter preceding paragraph (1),
24 by striking “may—” and inserting “shall—”;

1 (B) in paragraph (1), by inserting “(in-
2 cluding agricultural land on which a continuous
3 crop or crop rotation is maintained)” after “ag-
4 ricultural land”;

5 (C) in paragraph (2), by striking “with the
6 adoption of best management practices on” and
7 inserting “in accordance with a conservation
8 plan adopted with respect to”; and

9 (D) in paragraph (3), by inserting “subject
10 to subsection (c)(6),” before “calculate”.

11 (b) EXEMPTION FROM PAYMENT LIMITATION.—Sec-
12 tion 1234(g) of the Food Security Act of 1985 (16 U.S.C.
13 3834(g)) is amended—

14 (1) in paragraph (1), by striking “paragraph
15 (2)” and inserting “paragraphs (2) and (3)”; and

16 (2) by adding at the end the following:

17 “(3) CONSERVATION RESERVE ENHANCEMENT
18 PROGRAM.—Paragraph (1) shall not apply to rental
19 payments received under agreements entered into
20 under section 1231A.”.